

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB GOAS 12-02 One-Stop Business Registration Clearing Trust Fund

**SPONSOR(S):** Government Operations Appropriations Subcommittee

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Government Operations Appropriations Subcommittee	13 Y, 0 N	Lloyd	Topp

### SUMMARY ANALYSIS

The Proposed Committee Bill (PCB) creates the One-Stop Business Registration Portal Clearing Trust Fund within the Department of Revenue (DOR). The trust fund is established for use as a depository for receipts generated through the utilization of the One-Stop Business Registration Portal to be established in section 288.109, F.S., per Proposed Committee Bill GOAS 12-01. The DOR will distribute the moneys collected in the trust fund to the appropriate agencies and accounts in the month following receipt.

Section 19(f), Article III of the Florida Constitution requires that every trust fund be created by a three-fifth vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. In addition, the Florida Constitution provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This trust fund will terminate on July 1, 2016, pursuant to section 19(f)(2), Article III of the Florida Constitution, unless terminated sooner or re-created by the Legislature.

This PCB has no fiscal impact.

This PCB is effective July 1, 2012, if Proposed Committee Bill GOAS 12-01 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

The PCB creates the One-Stop Business Registration Portal Clearing Trust Fund within the Department of Revenue for use as a depository for fees paid through the One-Stop Business Registration Portal, to be established in section 288.109, F.S., (per Proposed Committee Bill GOAS 12-01) and for subsequent transfer or distribution of those fees to the appropriate agencies and accounts.

Section 19(f), Article III of the Florida Constitution requires that every trust fund be created by a three-fifth vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. In addition, the Florida Constitution provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This trust fund will terminate on July 1, 2016, pursuant to section 19(f)(2), Article III of the Florida Constitution, unless terminated sooner or re-created by the Legislature.

The creation of this trust fund is directly linked to Proposed GOAS 12-01, which creates the One Stop Business Registration Portal.

#### B. SECTION DIRECTORY:

**Section 1.** Creates the One Stop Business Registration Portal Clearing Trust Fund in the Department of Revenue.

**Section 2.** Provides an effective date of July 1, 2012, if Proposed Committee Bill GOAS 12-01 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This PCB has no fiscal impact.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

Section 19(f), Article III of the Florida Constitution requires that every trust fund be created by a three-fifth vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. In addition, the Florida Constitution provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This trust fund will terminate on July 1, 2016, pursuant to section 19(f)(2), Article III of the Florida Constitution, unless terminated sooner or re-created by the Legislature.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**